

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OMAR TRIPLETT,

Petitioner,

-v-

P. REARDON,

Respondent.

CIVIL ACTION NO.: 20 Civ. 1064 (RA) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

The Court is in receipt of Petitioner's Letter dated February 28, 2021, requesting a two-month extension of time to file a reply, and requesting the assignment of pro bono counsel. (ECF No. 38). The request for an extension of time, until **Friday, May 28, 2021** to submit a reply is GRANTED. For the reasons set forth below, Mr. Triplett's request for pro bono counsel is DENIED without prejudice.

Pursuant to Supreme Court and Second Circuit precedent, the Court must liberally construe pro se pleadings. Erickson v. Pardus, 551 U.S. 89, 94 (2007); Harris v. Mills, 572 F.3d 66, 72 (2d Cir. 2009); Triestman v. Fed. Bureau of Prisons, 470 F.3d 471, 474–75 (2d Cir. 2006).

Unlike in criminal cases, civil litigants unable to pay for counsel do not have a constitutional right to counsel. Davila v. Doar, No. 07 Civ. 5767 (SHS) (DF), 2008 WL 4695004, at \*2 (S.D.N.Y. Oct. 22, 2008); Hodge v. Police Officers, 802 F.2d 58, 60 (2d Cir. 1986). The Court may grant pro bono counsel to a person who cannot afford one if his "position seems likely to be one of substance." Davila, 2008 WL 4695004, at \*2 (quoting Hendricks v. Coughlin, 114 F.3d 390, 392 (2d Cir. 1997)).

At this time, Mr. Triplett has not demonstrated that his position is “one of substance” that merits pro bono counsel. In addition, he has stated that he is reaching out to several attorneys on his own to request representation. (ECF No. 38). Accordingly, the request for counsel is DENIED without prejudice.

The Clerk of Court is respectfully directed to mail a copy of this order to the Plaintiff at the address below.

Dated: New York, New York  
March 25, 2021

SO ORDERED

  
SARAH L. CAVE  
United States Magistrate Judge

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